

UNITED STATES DISTRICT COURT

AUG 02 2016

for the

District of New MexicoMATTHEW J. DYKMAN
CLERKUnited States of America
v.

Case No.

16mj 3090

LARRY LEE EMERSON JR.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 07/06/2016 in the county of San Juan in the
District of New Mexico, the defendant(s) violated:

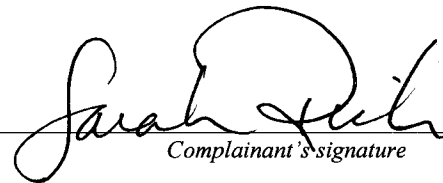
Code Section

Offense Description

Title 18, USC 111

assaulting, resisting, or impeding a Federal Officer.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.
Complainant's signature

Sarah Rich, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 8-2-16
Judge's signatureCity and state: Albuquerque, New MexicoKirtan Khalsa U.S. Magistrate Judge
Printed name and title

NW/AUSA

NEW MEXICO

ALBUQUERQUE, NEW MEXICO

State of New Mexico

County of San Juan

AFFIDAVIT

I, Sarah Rich, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been employed in that capacity since November 2014. I am currently assigned to the Albuquerque Division of the FBI, and have primary investigative responsibility in violent crimes occurring in Indian Country such as robbery, aggravated assaults, assaults on Federal Officers, and homicide.
2. The information set forth in this affidavit has been derived from an investigation conducted by SA Lance Roundy, Farmington Resident Agency of the FBI and Criminal Investigator (CI) Marc Scott of the Navajo Department of Criminal Investigation.

PROBABLE CAUSE

3. On or about July 6, 2016, Law Enforcement Officers with the Navajo Nation Police Department responded to a dispatch call of an alleged assault occurring at or near Toadlena, New Mexico. Officers were then advised that the subject of the alleged assault, LARRY LEE EMERSON JR, referred to herein as "EMERSON," an enrolled member of the Navajo Nation, was located in a vehicle parked near a trailer home just south of the 4 Corners Automotive Shop in Shiprock, New Mexico, on the Navajo Indian Reservation. Officers arrived at the location and made contact with EMERSON, who was sitting in the rear passenger seat of a Sport Utility Vehicle (SUV). As

Officers made contact with EMERSON, EMERSON began to raise his voice in agitation and refused to follow the Officer's commands. A short time into the confrontation with EMERSON, Officer John Doe, referred to herein as "EB", a Navajo Nation Police Officer, arrived on scene to provide assistance. EMERSON became extremely upset at the presence of EB, and yelled towards EB, "If it wasn't for that badge I'll kick your ass...come to my house without that badge and I'll fight you."

4. EMERSON was given the command to place his hands behind his back, but refused to do so, and continued to curse and yell at the Officers. EMERSON then showed the Officers a cellular telephone and stated that he was recording the incident with his phone. EB then noticed a small child inside of the vehicle occupied by EMERSON, and requested the removal of the child by a female standing nearby. The female then removed three children from the vehicle and took the children towards a single-wide mobile home trailer located on the property. EB instructed EMERSON to calm down, put his hands behind his back, to which EMERSON refused to do so. EMERSON was then observed clinching his hands into fists and raising them at EB in a fighting stance.
5. EB approached EMERSON and grabbed his wrist to which EMERSON then attempted to punch EB in the face; however, EB was able to avoid the initial punch. EB eventually deployed pepper spray to the facial area of EMERSON as EMERSON continued to resist. During the resistance, EMERSON punched EB in the face breaking his prescription glasses, leaving EB with a loss of vision from his broken glasses as well as the affects of the remnants of the pepper spray. During the fight, EMERSON also bit EB several times on his arms, face and head and tried to pull EB's police uniform over his head to further incapacitate the Officer, ripping the Officer's uniform. EB, fearing for his safety and the safety of the other Officers, was able to break the grasp of EMERSON, and retreat a short distance away, allowing EMERSON to lock himself inside of the SUV.

6. Upon retreat from the altercation, EB noticed blood streaming from his cheek as a result from the punches and the bites and felt pain in his face and head from the fight. While EB was attending to his injuries, EMERSON jumped out of the SUV and fled the scene on foot, avoiding Law Enforcement apprehension. EB went to the Northern Navajo Medical Center in Shiprock where he received treatment for his injuries.

SUMMARY

7. At the time of the fight with EMERSON on or about July 6, 2016, EB was employed as a Navajo Nation Police Officer who retained a Bureau of Indian Affairs Special Law Enforcement Commission card issued on or about April 10, 2014, and as such was a Federal Officer.
8. In view of the above facts, the affiant submits there is probable cause to believe that on or about July 6, 2016, EMERSON knowingly committed an assault upon EB, a Navajo Nation Police Officer who was commissioned by the Bureau of Indian Affairs. EMERSON punched and bit EB several times causing bleeding from a laceration of the face and the incident occurred within the District of New Mexico, in violation of title 18, United States Code, Section 111, assaulting, resisting, or impeding a Federal Officer.

I swear that this information is true and correct to the best of my knowledge and belief.

Affiant Sarah Rich
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me
on this 2nd day of August, 2016.

Kurtis Cook
United States Magistrate Judge